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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

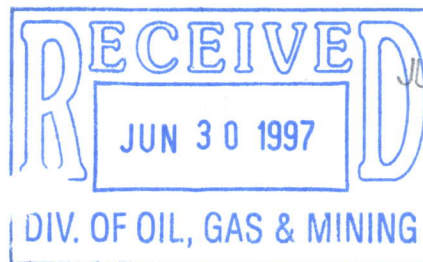


IN REPLY REFER TO:

Moab District
82 East Dogwood Avenue
Moab, Utah 84532

2800
(UT-062)

Mr. Kermit Bohrer
Peacock Mining Company
14761 Weld Co. Road 3
Longmont, Colorado 80501



JUN 26 1997

Dear Mr. Bohrer:

We reviewed your letter dated February 17, 1997, which outlined your mining project on State of Utah lands in section 32, T. 19 S., R. 26 E. Your letter identified the need to utilize existing roads on public lands within the Moab District of the Bureau of Land Management (BLM). The existing route south of section 32 is an existing two track way within the Black Ridge Wilderness Study Area (WSA), and Mountain Island Ranch farm lands would have to be crossed to utilize this way through the WSA.

On May 5, 1997, Alex VanHemert and Rich McClure from this office met with you, personnel from the Grand Junction BLM Office, representatives from the Utah Division of Oil, Gas and Mining, and Hawk Greenway from Mountain Island Ranch to look at the road through Mountain Island Ranch property which is accessed from the B South Road in Mesa County, Colorado.

The occasional use of an existing road on public lands would fall into the category of casual use, as long as no heavy equipment was utilized to maintain or upgrade the roadway. As defined under 43 CFR 2800.0-5; "Casual use means activities that involve practices which do not ordinarily cause any appreciable disturbance or damage to lands, resources and improvements and, therefore do not require a right-of-way grant or temporary use permit under this title." Based on our interpretation of this definition; we will consider your access across public lands and through the WSA within Utah as a casual use activity, provided vehicles stay on the existing route and there are no surface disturbances using heavy equipment on or adjacent to the existing route.

We anticipate that the casual use of the road with a four wheel drive vehicle will provide you an opportunity to continue periodic sampling; however, we recognize that long term mining operations would require more frequent road use, transportation of mining equipment, and maintenance of road surfaces. When your use of the road through public lands and the WSA requires the use of heavy equipment for maintaining or improving the travel surface for long-term mining operations; your use may no longer meet the intent of casual use. Road conditions on public lands will be monitored by BLM, and a right-of-way will be required if it appears that your road use will exceed casual use.

All actions within a WSA require an impairment determination and a 30 day notification period before the action can take place. We prepared an impairment determination, and the proposed casual use of the existing way was posted on the Utah Electronic Bulletin Board for public notification on May 12, 1997. The 30 day notification period ended on June 11, 1997, and no comments were received. In the event that additional authorizations are required, further public review and the preparation of an environmental assessment would be required. Based on the sensitivity of using motorized vehicles within a WSA, authorizing long term vehicle use within a WSA would be a controversial and time consuming project.

This determination of casual use is for public lands within the Moab District only, and does not provide you access through private property. The letter from the Grand Junction Resource Area dated February 14, 1997, provided you with access across public lands in Mesa County, Colorado. We encourage you to continue your discussions with Mountain Island Ranch for using the road for additional sampling and, if possible, acquiring long-term access to your mining operations.

Since your state mining lease is within Utah, the Moab District Office will be your primary contact regarding access across public lands. Please contact Rich McClure at (801) 259-2127, if any additional information is needed.

Sincerely,

/s/ Brad D Palmer

Assistant District Manager
Resource Management

cc: Grand Junction Area Manager, CO-070

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